

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE: JOHNSON & JOHNSON
TALCUM POWDER PRODUCTS
MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION

MDL No. 2738 (MAS) (RLS)

This Document Relates To All Cases

**NOTICE OF DEFENDANTS' MOTION TO STRIKE PLAINTIFFS'
IMPROPER SUPPLEMENTAL REPORTS**

PLEASE TAKE NOTICE that on January 16, 2024, or as soon thereafter as counsel may be heard, the undersigned Defendants' counsel, on behalf of all Defendants named below, shall move pursuant to Federal Rules of Civil Procedure 26(a)(2)(D) and 37(c)(1) for an entry of Order (1) striking the expert reports of Drs. Cote, Harlow, Rothman and Newman in full; (2) striking the case-specific portion of Dr. Levy's new report; and (3) requiring Drs. Singh, Siemiatycki, Smith-Bindman, McTiernan, Longo and Kessler to submit supplemental reports that only address scientific developments after July 2021. As is further explained in the Memorandum in Support filed herewith, the opinions in question were not timely disclosed, and the failure to timely disclose the opinions is neither justified nor harmless.

In the alternative, Defendants seek an order extending each of the upcoming expert-related deadlines by four weeks, with depositions of plaintiffs' experts to be completed by February 19, 2024; disclosure of rebuttal experts and reports due April 1, 2024; and depositions of defendants' experts to be completed by May 13, 2024.

PLEASE TAKE FURTHER NOTICE that in support of their motion, the undersigned defendants shall rely upon the Memorandum of Law in Support submitted herewith, and any reply submissions made hereafter and the Certification of Susan Sharko, Esq. together with exhibits; and

PLEASE TAKE FURTHER NOTICE that a proposed Order is submitted herewith; and

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

Dated: December 14, 2023

By: /s/ Susan M. Sharko

Susan M. Sharko

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